

UNITED STATES DISTRICT COURT

for the
Eastern District of TexasUnited States Courts
Southern District of Texas
FILED

October 26, 2021

Nathan Ochsner, Clerk of Court

United States of America)

v.)

GARY DWON GAFFNEY)

Case No.

1:21-MJ-98

Defendant(s)

4:21-mj-2288

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2021 in the county of Liberty in the
Eastern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 1001

False statements

This criminal complaint is based on these facts:

Please see attached Affidavit.

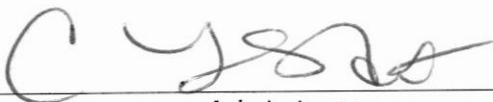
☒ Continued on the attached sheet.

Complainant's signature

Justin R. Widup, Special Agent FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 10-20-21

Judge's signature

City and state: Beaumont, Texas

Christine L. Stetson, US Magistrate Judge

Printed name and title

1:21mj98

Affidavit in Support of Criminal Complaint

I, Justin R. Widup, being duly sworn, declare under penalty of perjury and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and assigned to the FBI Houston Division, Joint Terrorism Task Force which is comprised of Agents from the FBI, Officers from the Houston Police Department (HPD), Deputies from the Harris County Sheriff's Office (HCSO), and Special Agents from the United States Secret Service. I am primarily responsible for investigating matters concerning Weapons of Mass Destruction. I am a Certified Weapons of Mass Destruction Coordinator with the FBI. I have been a Special Agent with the FBI for approximately seven years and was previously a sworn Police Officer in the State of Maryland for 10 years.
2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses.
3. This affidavit is being submitted in support of an application for issuance of a criminal complaint and arrest warrant for Gary Dwon Gaffney, for violations of Title 18, United States Code, Section 1001, Statements or entries, subsection (a)(2): makes any materially false, fictitious, or fraudulent statements or representation. This affidavit does not include all facts known to me, but rather contains facts sufficient to support the issuance of an arrest warrant.
4. On August 19, 2021, Gary Dwon GAFFNEY approached law enforcement in reference to a plot to bomb the Mickey Leland Federal Building (hereafter the Federal Building) located at 1919 Smith Street in Houston, Texas. That building houses various federal agencies and is a place of public use and government facility as defined under Title 18, United States Code,

Section 2332f. On August 29, 2021, GAFFNEY was arrested on an unrelated warrant for a theft charge from Galveston County, and was booked into Liberty County Jail. While in custody, GAFFNEY requested to speak to officers about this plot. As a result of this interview, Liberty County Sheriff's Office called the Federal Bureau of Investigation (FBI).

5. Your affiant, along with 2 other Special Agents with the FBI, responded to the Liberty County Jail, 2400 Beaumont Ave, Liberty, Texas, to interview GAFFNEY. After advising GAFFNEY of the identities of the Agents, and showing GAFFNEY our issued credentials, GAFFNEY provided the following statement:
6. In May of 2021, GAFFNEY told agents an acquaintance of his, herein after identified as V1, went to the GAFFNEY'S residence in Dayton, TX to hang out. GAFFNEY observed V1 to have large coffee can with him, and an explosive device. GAFFNEY described the explosive device as being covered in black electrical tape, with wires coming out of both ends. V1 placed the device inside the coffee can and set the coffee can inside of a hole in the ground. V1 and GAFFNEY walked about a block away, when V1 pulled out a cell phone, described as an Apple iPhone, and detonated the device. GAFFNEY heard a loud boom and observed a gray cloud of smoke coming from the area the device was located. When GAFFNEY went back to the area the device was located, he observed a hole about 5-8 inches deep, and about 3-4 feet long.
7. Sometime in July 2021, GAFFNEY told agents he drove V1 to a residence in the Houston area in his vehicle. V1 got out of the vehicle and met an unknown man inside of the garage. V1 then placed 25 white bags of fertilizer into the truck and GAFFNEY drove back to V1 residence, where the bags were unloaded.
8. On August 16, 2021, GAFFNEY told agents he and V1 were driving around downtown


Houston in V1's vehicle. While driving, V1 pointed out the Federal Building, and stated, "Next Monday, it's going to happen."

9. GAFFNEY stated he last spoke with V1 the morning of August 19, 2021, at V1's residence. While there, GAFFNEY claimed V1 asked GAFFNEY to purchase 24-volt relays that he needed to complete an explosive device. Inside V1's bedroom, GAFFNEY told agents he saw around 25 bags of fertilizer stored in white bags. GAFFNEY stated they were the same bags he saw V1 pick up in July. Also inside of the bedroom was a table that went along the back wall. On the table were several coffee cans, spools of wires, batteries, and circuit boards. Also on the table were several binders of information, as well as the "Anarchist Cookbook." The Anarchist Cookbook, first published in 1971, is a book that contains, among other things, instructions for the manufacture of explosives and related devices, as well as instructions for home manufacturing of illicit drugs. GAFFNEY also told agents that on the floor in the bedroom were around 20-30 rifles.
10. As a result of GAFFNEY'S interview, a search warrant was applied for and obtained out of the Southern District of Texas on August 20, 2021 for V1's residence. The search warrant was executed on the same day. Present at the search were 15 operators of the Special Weapons and Tactics Team, 3 Special Agent Bomb Technicians, 4 Public Safety Bomb Technicians, 8 Special Agents and Task Force Officers, along with numerous members of the Baytown Police Department. The execution of this search warrant put Agents and local police officers at substantial risk, as well as the homeowner and their family, including 4 children.
11. During the execution of the search warrant, no items of explosive nature were found. V1 has a loose affiliation with GAFFNEY, and has only seen him a handful of times.


12. On August 23, 2021, GAFFNEY was interviewed by the Affiant. When confronted with the fact there were no explosive items recovered, GAFFNEY admitted he did not see the objects in V1 residence on August 19, 2021. GAFFNEY admitted the last time he observed the explosive material in May of 2021. GAFFNEY continued to state he was not lying, and V1 was involved in a plot to bomb the federal building. GAFFNEY stated he only lied about the dates because he wanted swift action to stop the attack.
13. A search of FBI case files showed on October 4, 2011, GAFFNEY contacted the FBI and the ATF out of Dallas in reference to a bomb plot, while in custody in Upsur County. GAFFNEY stated he was working at a local Pizza Hut, and became friends with an individual, herein after identified as V2. While at V2's residence, GAFFNEY claimed he observed several guns, a large table containing black metal boxes containing bombs, lots of wires, thermostats that were going to be used for cell phone detonations of an explosive device, and several bags of fertilizer.
14. GAFFNEY stated V2 was planning to blow up the courthouses in Henderson and Jacksonville, Texas. GAFFNEY stated V2 possessed anti-government views, and did not like paying taxes. The result of the investigation was unfounded, as no cooberation for the facts could be obtained.
15. CW1 has a criminal history that includes felony convictions for theft (2004, 2006), robbery (2005), theft of a firearm (2008) from 76th District Court Mount Pleasant, Texas, Credit Card Abuse (2008), Unlawful possession of a firearm by a felon (2008) from the 276th District Court Daingerfield, TX, burglary of a habitation (2011) from the 115th District Court Gilmer, Texas, misdemeanor convictions for burglary of a vehicle (2011)) from 76th District Court.
16. Based upon the above mentioned factual information, your Affiant respectfully submits that

there is probable cause to believe that GARY GAFFNEY is in violation of 18 U.S.C.,
Section 1001, false statements.

Respectfully submitted,


JUSTIN R. WIDUP
Special Agent, FBI

SIGNED AND SWORN this the 20th day of October, 2021 in Beaumont, Texas.


Christine L. Stetson
United States Magistrate Judge
United States District Court
For the Eastern District of Texas